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News You Won't Find Elsewhere

The State Department Finally Appoints That Passport Appeals Board . . . Sweden and Switzerland Agree Korean POW's Didn't Get a Free Choice . . . The ACLU's Directors Resort to Dictatorship . . . See Inside Pages.

No "New Look" In This New Congress

The new session of Congress is likely to disgust both the right-wingers who looked to Eisenhower (not too hopefully) for a clean sweep of New Deal and Fair, and the liberals and left-wingers who have been hoping that the Democrats might put up a fight in defense of basic liberties.

So far as social legislation is concerned, the pattern has been set at least since the election of 1940 when the Republicans accepted governmental responsibility for full employment. On this front, including farm legislation and Taft-Hartley, intra-party battling will be minor because the Administration will not go very far in an election year in a direction which might antagonize farmers and workers.

Outlook for Civil Liberties

So far as civil liberties are concerned, there will be fighting on three fronts, none of them encouraging to liberals. The witch hunters will continue their work. Talk of curbing McCarthy is not to be taken seriously, neither party has the fortitude and Morse, who holds the balance of power in the Senate, went along with McCarthy and Jenner last year when an effort was made to curb their funds.

The Eisenhower Administration, chiefly through Attorney General Brownell, will continue the effort to demonstrate that it can "handle subversion" without interference from Congress, i.e., that it can out-McCarthy McCarthy. The Democrats, as in the fact sheet on Communism issued by their National Committee, will try to prove that they pioneered the witch hunt. The opposition to the immunity bill in the House and the wire-tap bill will come from a few on both sides of the aisle, but the Democrats do not have the nerve to take leadership against the bills and only rival viewpoints among the sponsors can block them.

Jealousy Among the Witch Hunters

The biggest factor in impelling some action toward a curb on McCarthyism comes from the jealousy of the witch hunt competitors he has outdistanced by superior effrontery. Jenner, Knowland, McCarran, Mundt and Dirksen would like nothing better than to see McCarthy gagged so they and their own allies could take over the tasks and rewards of the witch hunt. Nixon and McCarthy see each other as rivals one day for the Presidency; McCarthy endangers Nixon's laurels as "the man who sent Hiss to jail." Nixon is not averse to using anti-McCarthyism to demonstrate his own relative "balance" and moderation.

More Differences on Foreign Policy

There will be more differences between the two parties on foreign than on domestic policy. The Democrats, smarting from the attack on them in the White affair, are anxious to demonstrate their superior patriotism by accusing the Republicans of "appeasement" in the Far East and of sacrificing defense to economy. The military crowd, particularly the Air Force, have closer liaison with the Democrats than the Republicans.

That Korean Deadline

The Administration will take the risks of releasing all prisoners on January 22; Assistant Secretary of State Robertson and Admiral Radford, chairman of the Joint Chiefs, went to the Far East to prepare the way for it, and to see that Syngman Rhee is kept under wraps. The announcement that two divisions would be withdrawn was intended to sweeten the release for the Chinese Communists. The Administration is anxious to reopen talks before January 22 as one way to prevent dangerous eventualities. The truce is almost as unpopular in some sectors of Pentagon and State Department as it is with Rhee but Eisenhower wants the Korean peace as the party's No. 1 talking point at the Congressional elections, and he also wants it—in our opinion—because he wants peace. This is one hopeful fact amid the complexities, fits-and-starts, and contradictions which make American policy so bewildering.

Dean on Red China

Unfortunately the Administration is also timid, slack, uninspiring and (for all the B. B. D. & O. speech makers) quite lacking in the imponderable of leadership. It is impossible to learn whether Arthur Dean's interview with the Providence, R. I., *Journal*, January 3, urging review of American policy toward Red China, marks some change in official policy or is only the indiscreet talk of a thoughtful and affable amateur diplomat. It seems to have been the latter, but should the Chinese swallow the slight involved in the release of prisoners and should peace slowly continue to settle down on the Far East, there is no doubt (1) that Communist China will be recognized and (2) that this is being privately admitted in the State Department and in the Senate, oftentimes by men who still take a different position in public.

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Passports: A Little Progress

The press section of the State Department, which can consume a forest primeval on releases announcing that some nonentity has been appointed second vice consul at Bangkok or giving the full text of an address by a third assistant secretary of state to a North Carolina woman's club, has issued no release, sought no publicity on one major event. It has finally set up a Board of Passport Appeals.

The desire to hide this light under a bushel is understandable. A three judge Federal court ruled here July 9, 1952, in the Anne Bauer case that the Department's hitherto omnipotent passport division could not refuse a passport without some explanation and hearing. On September 2, 1952, the Department bowed to the courts and public clamor and issued a code of passport regulations providing for hearings before a new Board of Passport Appeals. Though that was more than a year ago, nothing happened. No Board was appointed.

The passport division avoided the necessity of hearings by avoiding decisions. The Department's favorite mode of government has been by evasion, by just plain failure to answer communications from other departments or ordinary citizens.

This tactic met its nemesis in the St. Louis physicist and college teacher, Martin Kamen. Kamen had been trying for 15 months to get a passport without eliciting any decision from the department. On December 17, his counsel Nathan H. David, filed suit in the Federal courts here against the passport division. Rapid action followed. On December 21 the passport division rejected Kamen's application.

On December 21 Kamen's counsel threatened to amend his complaint to obtain a court order requiring the Department to state its reasons fully, to set up that long promised board of passports appeals and to give Kamen a hearing. On December 23—without benefit of press release—the board was established, though not a line about it appeared in the press, not even in the *New York Times*.

So far the Department has announced the names only of the chairman, who will be Thruston Morton, Assistant Secretary of State for congressional relations, and the counsel, John William Sipes, who was with the Department's loyalty and security board. A panel of five will serve on the board, but their names have not yet been made public. When the press section was asked why no release was issued, the explanation given was (1) "they want to work out the rules first" and (2) "everybody seems to be asking about it, anyway." The "everybody" may be read as hyperbole.

Were POW's Given A Fair Choice in Korea?

Reports with unpalatable facts or conclusions have a way of not turning up at State Department and Pentagon. The mimeograph machines and the presses roll when reports fit propaganda patterns. The December 28 report of the United Nations Neutral Repatriation Commission seems to be a case in point. Nobody in Washington seems to have received it, and the UN can't decide whether it is a UN document.

Persistent telephoning, however, did turn up a single copy of the majority and minority conclusions at State Department, which this correspondent was allowed to read. The striking thing about them is that the majority (India, Poland, Czechoslovakia) and the minority (Sweden, Switzerland) agreed that there was coercion in the camps against the POW's, and that in the anti-Communist southern camps this led to violence and murder.

This is what the minority report said: "The attitude of the PW in respect of explanations has apparently to a large extent been influenced and coordinated by organizations of a political nature which are to be found among the PWs in both the southern [anti-Communist] and northern [Communist] camps. The commission is aware of the existence of such organizations. These organizations undoubtedly exert a certain control over the prisoners, and in the southern camp acts of violence and even murders have been committed."

The minority report also says the decision not to use force "except for purely disciplinary and judicial measures, or when such force was likely to lead to large scale killings" made it impossible to break up these organizations and "had important repercussions on almost every aspect of the commission's activity."

The Commission's (majority) report put this more strongly. It said, "Despite all the care the commission took in endeavoring to create a proper atmosphere for the conduct of explanations work it cannot record a finding that even those PWs in its custody in the south camp who went through the process of individual explanations were completely freed from force or threat of force arising from and intimately connected with the camp organization and its leadership. It must,

When Is a Parallel Not a Parallel?

The theory of "parallelism" underlies the procedure used in loyalty clearances, in the proceedings of the Subversive Activities Control Board, in passport regulations and in the witch hunt generally. If it can be shown that a man agreed with the Communists on a certain number of questions, it is assumed that he was somehow linked with it in conspiracy. Proof by parallelism with party line is so well established that few question it any more. But how differently the courts treat parallelism when business enterprise and the Clayton Act are involved.

Last Monday Mr. Justice Tom Clark for a majority of the U. S. Supreme Court dealt harshly with the theory of parallelism as circumstantial proof of conspiratorial agreement. A suburban movie owner outside Baltimore brought suit against the major film companies for treble damages and an injunction under the Clayton Act. The petitioner claimed that none of the movie companies would ever let him exhibit a first-run picture and cited the 1948 Paramount anti-trust case to show the same companies had imposed a uniform system of runs and clearances.

"To be sure," Justice Clark ruled, "business behavior is admissible circumstantial evidence from which the fact finder may infer agreement. But this court has never held that proof of parallel business behavior conclusively establishes agreement or, phrased differently, that such behavior itself constituted a Sherman Act offense. Circumstantial evidence of consciously parallel behavior may have made heavy inroads into the traditional judicial attitude towards conspiracy; but 'conscious parallelism' has not yet read conspiracy out of the Sherman Act entirely."

We wait to see how the same justices will treat parallel behavior when on appeal from the Subversive Activities Control Board, political ideas rather than business interests are at stake.

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however, be stated that the commission could not, in the opinion of the majority, in the circumstances and within the time and resources at its disposal, do anything more than to provide facilities for individual explanations. The Czechoslovak and Polish members of the commission stated that this was not enough, and that it was necessary at the time to reorganize the PW camps and to segregate the ring-leaders."

The report went on to say that "The Commission cannot record a finding that PWs in its custody in the southern camp were completely free from the influence of the former detaining camp, and in particular of the authority of the Republic of Korea, whose incursions made it impossible for the commission to come to any other conclusion."

The prisoners on both sides rather than the commission determined the course of the explanations, thanks to the decision not to break up the camp organizations by force. "The cooperation of the prisoners," as the minority report phrases it, "became a decisive factor in the conduct of the explanations. In the southern camp the prisoners asked for shorter explanations, in the northern camp they asked for prolonged explanations; when in both cases their demands were rejected by the explaining side, they refused to come out for further explanations."

The ACLU's Directors Decide Dictatorship Is Best

When the American Civil Liberties Union finally holds its thrice postponed biennial conference, now scheduled for the February 12 week-end in New York, the libertarian left's most carefully concealed internal controversy will finally hit the front pages. Until now it has been covered only in this *Weekly*. The latest news, again leaked via the January bulletin of the militant Northern California branch of the ACLU, is that the National Board on November 30—by a vote of 14 to 4, with five members not voting—decided to override a national referendum of the membership and adopt new policy statements overwhelmingly rejected in it.

These new policy statements (see issue of October 31, "The ACLU's Directors Prepare to Jettison Its Principles") would give a queasy and qualified but unmistakable endorsement to the basic methods and premises of the witch hunt. The revered Alexander Meiklejohn at the November 30 meeting urged the Board not to adopt policies which the ACLU's affiliates had almost unanimously rejected, and which would undercut its traditional libertarian positions. The vote openly to override was made necessary by the failure of internal maneuvers which sought to change the vote of the Chicago affiliate (see our issue of December 14, "Convulsions at the ACLU"). Under the ACLU's complex system of voting, heavily weighted in favor of the National Board, this would have provided a majority for the new policy statements, which were finally defeated by 2,500 votes.

The vote to ignore the referendum was based on an extraordinary section of the by-laws requiring the National Board to act in accordance with the majority recommendations on any referendum, *"except where it believes there are vitally important reasons for not doing so which it shall explain to the corporation members."* These by-laws, under which the National Board can exercise Weimar Republic style dictatorial "emergency" powers against the wishes of the membership, are themselves extra legal. The by-laws have never been formally adopted by the membership. This, too, will be aired at the biennial conference, unless it is again postponed.

Freudian Slip by the FBI?

There is a curious omission in the fact sheet issued last month by the Democratic National Committee to show how much the party had accomplished in the struggle against Communism. An appendix lists every indictment and conviction of a radical back to the pre-war imprisonment of the Minneapolis Trotzkyites under the Smith Act. Two indictments under the Foreign Registration Act of 1940 are cited, but no mention is made of the conviction of Jacob Golos under that act in March, 1940. The research division of the Democratic National Committee said the information was obtained from the Justice Department. Golos (as pointed out in the *Weekly* for November 30, "Was J. Edgar as 'Blind' as Harry?") was Elizabeth Bentley's lover. Is the Department of Justice "forgetting" this conviction, lest too many people ask how Golos in 1940-43 could operate a spy courier system out of Washington unbeknownst to the FBI after he had been convicted and registered as a foreign agent?

NEWS NOTES: Americans for Democratic Action decided to favor wire-tapping "with safeguards" but couldn't make up its mind on the immunity bill. . . . The most hopeful news from the South was that Wall Street Journal story on January 4 discussing the tactics merchants there were using to obtain Negro trade, including—and this will really turn the Daughters of the Confederacy albino—addressing Negro customers as "Mister." . . . Earl Browder sent the New York Times a letter protecting and denying that "dope" story from Washington that the House Un-American Activities Committee had a former Communist leader softened up to the point where "in about six months" he might talk. . . . The Emspak case, the first in which the Supreme Court will pass on the question of the First Amendment and Congressional Investigation, will be argued this week and trial of Harvey O'Connor for contempt has been postponed until after the Emspak decision has been handed down. . . . IFS is taking to the hustings on the subject of the immunity bill, wire-tapping and the general threat to civil liberties. He will speak on Friday, January 22, in Washington at Odd Fellows' Hall, 9th and T Streets NW, under the auspices of a newly launched public affairs forum of the local Progressive Party, and the following Friday, January 29, in New York, at Carnegie Recital Hall, 154 W. 57th Street, under the auspices af the Emergency Civil Liberties Committee.

DON'T BE SURPRISED WHEN . . .

You pick up the mail and find another copy of that "success story" letter we sent you some weeks ago in launching our renewal campaign. Many readers asked for extra copies to send on to friends, and since we had a large quantity on hand a "second round" mailing seemed an inexpensive way (1) to provide a reminder and a prepaid reply envelope for those of you who have not yet renewed and (2) a way those who have already renewed can lend us a hand. Just send the "success story" letter and the prepaid reply envelope to a friend who might like to subscribe.

The response so far has been extraordinary—we don't believe there is another publication in America which can show so large a percentage of renewals in advance of expiration. Our second year of publication is assured—our basic expenses for the new year are covered. But we'd like—and are sure you'd like— to see the Weekly reach as many new readers as possible.

So if you've already renewed—or are yourself a new reader—simply send the "success story" letter and the reply envelope on to a friend, and please do it now before you forget. And if you haven't yet renewed, remember the next issue—No. 50—will be the last of our first circulation year. We are looking forward to Vol. 2, No. 1. Be sure to get it by filling out the renewal blank on the reverse side and—if you can—add a gift sub for a friend.

With many thanks and best wishes for the New Year, —I. F. STONE

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The Secret War In Sidney Hook's Committee

James Burnham Endorses An Atomic Whopper

It is difficult these days for an intellectual to figure just how far right he must move in order to be safely respectable; it is a pity there are no Royalist organizations available. The Chicago *Tribune* on New Year's Day referred to "an organization of pretended intellectuals who call themselves anti-Communists." This was an unexpected and doubly unkind way to characterize Sidney Hook's American Committee for Cultural Freedom.

The occasion for this was the internal struggle precipitated within the committee by Eugene Rabinowitch, editor of the respected Bulletin of the Atomic Scientists. Dr. Rabinowitch, a member of the committee, sent around a letter to various members objecting to a preface James Burnham had written for a new book called, "The Secret War for the A-Bomb", by a man named Medford Evans.

The first account of the internal struggle appeared in Fulton Lewis's column in the New York *Journal American* of December 29. There Lewis reported genially that the book showed that "a goodly number, if not most, of our atomic scientists, ranged from soft-to-communism, to pro-Communist and outright Communist."

The Evans thesis is that bits of fissionable materials can and are being smuggled out of our atomic plants for fabrication into atomic weapons in preparation for what he calls "an atomic age Guy Fawkes" day. He sees the "dreadful alternative" that (instead of an atomic attack by Russia on the U. S.) Communists in this country could utilize these clandestinely produced atom bombs (Los Alamos in a cellar washtub?) to "establish the dictatorship of the proletariat in the United States."

Evans's theory is that the Soviets cannot produce the bomb themselves but only got it because Beria may have "arranged to smuggle out of the United States enough 'nuclear components' for a demonstration or so for the Soviet high command." He believes that secret Communists have encouraged ever vaster production in this country of atomic materials and devices in order to steal them for Russia. "In this situation," Evans writes, "the observable activities of the Communist agents and of the patriots will be indistinguishable." Dick Tracy himself would find that a tough one.

The A-bomb was developed by refugees and they could not be expected, Evans sneers, to be as sensitive to the menace of Communism as they were to "racism." The book will make strange reading in the Navy, where Admiral "Hymie" Rickover had so much trouble developing the atomic submarine. "Communist agents," Evans writes, "may or may not have had to nudge policy-makers to get top priority, after weapon manufacture, for submarine development; for certainly an atomic submarine would be very useful to the United States, even if it would be somewhat more useful to the Soviet Union."

This nightmare is introduced by Burnham in his preface to the book with an accolade: "On the political, social and moral phases [of atomic development], this book of Medford Evans' seems to me not merely the best but alone in its class." It is certainly alone in its class.

Burnham terms this "old-fashioned American writing for Americans." Rabinowitch in his letter to the American Committee for Cultural Freedom, said he did not see how he and other scientists "whose defamation" Burnham had praised in this way "can remain members of the committee unless it dissociates itself from Mr. Burnham." H. J. Muller, the biologist, a vice chairman of the ACCF, is one of those supporting Rabinowitch.

Evans went to work for the Atomic Energy Commission at Oak Ridge in 1945 and later became a "chief of training" at $9800 a year in the "division of organization and personnel" in Washington. His employment record shows that he resigned in March, 1952, after a long period of illness. The blurb says he resigned "when he found none of his recommendations were being carried out."

A McCarran or McCarthy could do a lot with this bedtime story. Perhaps it is fortunate that the Congressional Joint Committee on Atomic Energy is in such powerful and reactionary hands. Even McCarthy may hesitate to embark on a course which would picture Senators Hickenlooper and Knowland as the careless duped guardians of the atom bomb.

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